UNITED STATES PATENT AND TRADEMARK OFFICE

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10/826,723	04/16/2004	Andreas S. Krebs	42841-8003.US01	1351

7590 04/03/2007	**EXAMINER**
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2109	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/826,723	KREBS, ANDREAS S.
	Examiner	Art Unit	
	Omar Abdul-Ali	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04/16/04* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This action is in response to the original filing of April 16, 2004. Claims 1-35 are

pending and have been considered below.

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

2.   Claims 7, 15, 23,and 31 contain the trademark/trade name Java. Where a

trademark or trade name is used in a claim as a limitation to identify or describe a

particular material or product, the claim does not comply with the requirements of 35

U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App.

1982). The claim scope is uncertain since the trademark or trade name cannot be used

properly to identify any particular material or product. A trademark or trade name is

used to identify a source of goods, and not the goods themselves. Thus, a trademark or

trade name does not identify or describe the goods associated with the trademark or

trade name. In the present case, the trademark/trade name is used to identify/describe

a family of products generated in the proprietary programming language called Java

and, accordingly, the identification/description is indefinite.

3.   Examiner's Note. The Applicant appears to be attempting to invoke 35 U.S.C.

112 6th paragraph in Claims 33-35 by using "means-plus-function" language. However,

the Examiner notes that the only "means" for performing these cited functions in the

specification appears to be computer program modules. While the claims pass the first

test of the three-prong test used to determine invocation of paragraph 6, since no other

specific structural limitations are disclosed in the specification, the claims do not meet

the other tests of the three-prong test. Therefore, 35 U.S.C. 112 6th paragraph has not

been invoked when considering these claims below.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5.   Claims 17-24 and 25-32 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

Claims 17-24 are drawn to a computer program per se. A computer program is

not a series of steps or acts and this is not a process. A computer program is not a

physical article or object and as such is not a machine or manufacture. A computer

program is not a combination of substances and therefore not a compilation of matter.

Thus, a computer program by itself does not fall within any of the four categories of

invention. Therefore, Claims 17-24 are not statutory.

Claims 25-32 are drawn to a computer readable medium, which the applicant has

defined in the specification (page 14, lines 9-12) to encompass a carrier wave. The

Office considers a carrier wave to be a form of energy. Energy is not a series of steps

or acts and this is not a process. Energy is not a physical article or object and as such

is not a machine or manufacture. Energy is not a combination of substances and

therefore not a compilation of matter. Thus, a carrier wave does not fall within any of

the four categories of invention. Therefore, Claims 25-32 are not statutory.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1-6, 8-14, 16-22, 24-30, and 32-35 are rejected under 35 U.S.C. 102(e) as

being anticipated by Oni (US 2004/0133546).

Claim 1: Oni discloses a method of managing visibility of GUI components in an

application, comprising:

   a. initializing the application (page 3, paragraph 43);

   b. invoking a visibility manager (page 4, paragraph 62);

   c. displaying a user interface of the application wherein display of the GUI

components are determined by the visibility manager (page 4, paragraph 62);

Claim 2: <u>Oni</u> discloses a method of managing visibility of GUI components in an

application as in Claim 1 above, further comprising:

     a. reading one or more profiles (page 4, paragraph 63);

     b. processing the one or more profiles (page 4, paragraph 63);

     c. reading and processing a user configuration based on the one or more profiles

(page 4, paragraph 62);

     d. activating a particular profile of the one or more profiles (page 4, paragraph

65).

Claim 3: <u>Oni</u> discloses a method of managing visibility of GUI components in an

application as in Claim 2 above, further comprising:

     a. revising the user interface based on the particular profile of the one or more

profiles (page 4, paragraph 65);

     b. displaying the user interface (page 4, paragraph 65);

Claim 4: <u>Oni</u> discloses a method of managing visibility of GUI components in an

application as in Claim 3 above, further comprising:

     a. starting the application (page 3, paragraph 43);

     b. building the user interface with all the GUI components visible (page 4,

paragraph 62);

     c. calling the visibility manager after the particular profile of the one or more

profiles is activated (page 4, paragraph 63)

Claim 5: Oni discloses a method of managing visibility of GUI components in an

application as in Claim 2 above, further comprising:

a. selecting an identification of a particular GUI component (page 4, paragraph

67);

b. locating the identification in a mapping table [dynamic repository] (page 4,

paragraph 67);

c. checking a state of the particular GUI component (page 4, paragraph 69);

d. comparing the state to the particular profile of the one or more profiles (page 4,

paragraph 69);

e. changing the state if not in agreement with the particular profile of the one or

more profiles (page 4, paragraph 69);

f. repeating locating the identification, checking the state, comparing the state,

and changing the state for any remaining identifications of additional GUI components

(page 4, paragraph 69).

Claim 6: Oni discloses a method of managing visibility of GUI components in an

application as in Claim 5 above, further comprising:

a. the state is visible or not visible (page 4, paragraph 69).

Claim 8: Oni discloses a method of managing visibility of GUI components in an

application as in Claim 1 above, further comprising:

a. reading one or more profiles (page 4, paragraph 63);

b. processing the one or more profiles (page 4, paragraph 63);

c. reading and processing a user configuration based on the one or more profiles (page 4, paragraph 62);

d. activating a particular profile of the one or more profiles by:

1) selecting an identification of a particular GUI component (page 4, paragraph 67);

2) locating the identification in a mapping table (page 4, paragraph 67);

3) checking a state of the particular GUI component (page 4, paragraph 69);

4) changing the state if not in agreement with the particular profile of the one or more profiles (page 4, paragraph 69);

5) repeating locating the identification, checking the state, comparing the state, and changing the state for any remaining identifications of additional GUI components (page 4, paragraph 69).

e. revising the user interface based on a particular profile or the one or more profiles (page 4, paragraph 65);

f. displaying the user interface (page 4, paragraph 65);

g. initializing the application by:

1) starting the application (page 3, paragraph 43);

2) building the user interface with all of the GUI components visible (page 4, paragraphs 62-63);

3) calling the visibility manager after the particular profile of the one or more profiles is activated (page 4, paragraphs 62-63).

Claim 9: <u>Oni</u> discloses a system of managing visibility of GUI components in an application, comprising:

a. a user interface module of the application, including GUI components (page 4, paragraph 65);

b. a visibility manager that determines which GUI components are visible (page 4, paragraph 62).

Claim 10: <u>Oni</u> discloses a system of managing visibility of GUI components in an application as in Claim 9 above, further comprising:

a. read one or more profiles upon initialization of the application (page 4, paragraph 63);

b. process the one or more profiles (page 4, paragraph 63);

c. read and process a user configuration based on the one or more profiles (page 4, paragraph 62);

d. activate a particular profile of the one or more profiles (page 4, paragraph 65).

Claim 11: <u>Oni</u> discloses a system of managing visibility of GUI components in an

application as in Claim 10 above, further comprising:

a. build the user interface with all the GUI components visible (page 4, paragraph

62);

b. call the visibility manager after the particular profile of the one or more profiles

is activated (page 4, paragraph 63);

c. revise the user interface based on the particular profile of the one or more

profiles (page 4, paragraph 65);

d. display the user interface (page 4, paragraph 65).

Claim 12: <u>Oni</u> discloses a system of managing visibility of GUI components in an

application as in Claim 10 above, further comprising:

a. select an identification of a particular GUI component (page 4, paragraph 67);

b. locate the identification in a mapping table (page 4, paragraph 67);

c. check a state of the particular GUI component (page 4, paragraph 69);

d. compare the state to the particular profile of the one or more profiles (page 4,

paragraph 69);

e. change the state if not in agreement with the particular profile of the one or

more profiles (page 4, paragraph 69);

Claim 13: <u>Oni</u> discloses a system of managing visibility of GUI components in an

application as in Claim 12 above, further comprising:

a. activating the particular profile of the one or more profiles further comprises

repeating locating the identification, checking the state, comparing the state, and

changing the state for any remaining identifications of additional GUI components (page

4, paragraph 69).

Claim 14: Oni discloses a system of managing visibility of GUI components in an

application as in Claim 12 above, further comprising:

a. the state is visible or not visible (page 4, paragraph 69).

Claim 16: Oni discloses a system of managing visibility of GUI components in an

application as in Claim 9 above, further comprising:

a. read one or more profiles upon initialization of the application (page 4,

paragraph 63);

b. process the one or more profiles (page 4, paragraph 63);

c. read and process a user configuration based on the one or more profiles (page

4, paragraph 62);

d. select an identification of a particular GUI component (page 4, paragraph 67);

e. locate the identification in a mapping table (page 4, paragraph 67);

f. check a state of the particular GUI component (page 4, paragraph 69);

g. compare the state to the particular profile of the one or more profiles (page 4,

paragraph 69);

h. change the state if not in agreement with the particular profile of the one or more profiles (page 4, paragraph 69);

i. start the application (page 3, paragraph 43);

j. build the user interface with all the GUI components visible (page 4, paragraph 62);

k. call the visibility manager after the particular profile of the one or more profiles is activated (page 4, paragraph 63);

l. revise the user interface based on the particular profile of the one or more profiles (page 4, paragraph 65);

m. display the user interface (page 4, paragraph 65);

Claim 17: Oni discloses a visibility manager data structure, comprising:

a. a mapping table, one or more user profiles, and a user configuration (page 4, paragraph 67).

Claim 18: Oni discloses a visibility manager data structure as in Claim 17 above, further comprising:

a. the visibility manager data structure is to interact with a visibility manager, and the visibility manager is to determine which GUI components are visible in the application (page 4, paragraph 69).

Claim 19: <u>Oni</u> discloses a visibility manager data structure as in Claim 18 above, further comprising:

    a. read the one or more profiles upon initialization of the application (page 4, paragraph 63);

    b. process the one or more profiles (page 4, paragraph 63);

    c. read and process the user configuration based on the one or more profiles (page 4, paragraph 62);

    d. activate a particular profile of the one or more profiles based upon the mapping table (page 4, paragraph 67);

Claim 20: <u>Oni</u> discloses a visibility manager data structure as in Claim 19 above, further comprising:

    a. revise the user interface based on the particular profile of the one or more profiles (page 4, paragraph 65);

    b. display a user interface (page 4, paragraph 69);

Claim 21: <u>Oni</u> discloses a visibility manager data structure as in Claim 19 above, further comprising:

    a. select an identification of a particular GUI component (page 4, paragraph 67);

    b. locate the identification in a mapping table (page 4, paragraph 67);

    c. check a state of a specific GUI component in the application (page 4, paragraph 69);

    d. compare the state to the particular profile of the one or more profiles (page 4,

paragraph 69)

    e. change the state if not in agreement with the particular profile of the one or

more profiles (page 4, paragraph 69);

    f. the visibility manager to select the identification, locate the identification, check

the state of the particular GUI component, compare the state and change the state if not

in agreement with the particular profile of the one or more profiles (page 4, paragraph

69).

Claim 22: Oni discloses a visibility manager data structure as in Claim 21 above, further

comprising:

    a. the state is visible or not visible (page 4, paragraph 69).

Claim 24: Oni discloses a visibility manager data structure as in Claim 18 above, further

comprising:

    a. read the one or more profiles upon initialization of the application (page 4,

paragraph 63);

    b. process the one or more profiles (page 4, paragraph 63);

    c. read and process a user configuration based on the one or more profiles (page

4, paragraph 62);

    d. select an identification of a particular GUI component (page 4, paragraph 67);

    e. locate the identification in a mapping table (page 4, paragraph 67);

f. check a state of the particular GUI component (page 4, paragraph 69);

g. compare the state to the particular profile of the one or more profiles (page 4, paragraph 69);

h. change the state if not in agreement with the particular profile of the one or more profiles (page 4, paragraph 69);

i. revise the user interface based on the activated profile (page 4, paragraph 65);

j. display a user interface (page 4, paragraph 69).

Claim 25: <u>Oni</u> discloses a medium embodying instructions which cause a processor to perform a method, comprising:

a. initializing an application (page 3, paragraph 43);

b. invoking a visibility manager (page 4, paragraph 62);

c. displaying a user interface of the application wherein display of the GUI components are determined by the visibility manager (page 4, paragraph 62).

Claim 26: <u>Oni</u> discloses a medium embodying instructions which cause a processor to perform a method as in Claim 25 above, further comprising:

a. reading one or more profiles (page 4, paragraph 63);

b. processing the one or more profiles (page 4, paragraph 63);

c. reading and processing a user configuration based on the one or more profiles (page 4, paragraph 62);

    d. activating a particular profile of the one or more profiles (page 4, paragraph

67);

    e. revising the user interface based on the particular profile of the one or more

profiles (page 4, paragraph 65);

    f. displaying the user interface (page 4, paragraph 69).

Claim 27: Oni discloses a medium embodying instructions which cause a processor to

perform a method as in Claim 26 above, further comprising:

    a. starting the application (page 3, paragraph 43);

    b. building the user interface with all of the GUI components visible (page 4,

paragraph 62);

    c. calling the visibility manager after the particular profile of the one or more

profiles is activated (page 4, paragraph 63);

Claim 28: Oni discloses a medium embodying instructions which cause a processor to

perform a method as in Claim 26 above, further comprising:

    a. selecting an identification of a particular GUI component (page 4, paragraph

67);

    b. locating the identification in a mapping table (page 4, paragraph 67);

    c. checking a state of the particular GUI component (page 4, paragraph 69);

    d. comparing the state to the particular profile of the one or more profiles (page 4,

paragraph 69);

e. changing the state if not in agreement with the particular profile of the one or more profiles (page 4, paragraph 69);

Claim 29: <u>Oni</u> discloses a medium embodying instructions which cause a processor to perform a method as in Claim 26 above, further comprising:

a. repeating locating the identification, checking the state, comparing the state, and changing the state for any remaining identifications of additional GUI components (page 4, paragraph 69).

Claim 30: <u>Oni</u> discloses a medium embodying instructions which cause a processor to perform a method as in Claim 28 above, further comprising:

a. the state is visible or not visible (page 4, paragraph 69).

Claim 32: <u>Oni</u> discloses a medium embodying instructions which cause a processor to perform a method as in Claim 25 above, further comprising:

a. reading one or more profiles (page 4, paragraph 63);

b. processing the one or more profiles (page 4, paragraph 63);

c. reading and processing a user configuration based on the one or more profiles (page 4, paragraph 62);

d. selecting an identification of a particular GUI component (page 4, paragraph 67);

e. locating the identification in a mapping table (page 4, paragraph 67);

f. checking a state of the particular GUI component (page 4, paragraph 69);

g. repeating locating the identification, checking the state, comparing the state,

and changing the state for any remaining identifications of additional GUI components

(page 4, paragraph 69).

h. revising the user interface based on the particular profile of the one or more

profiles (page 4, paragraph 65);

i. displaying the user interface (page 4, paragraph 69);

j. starting the application (page 3, paragraph 43);

k. building the user interface with all of the GUI components visible (page 4,

paragraph 62);

l. calling the visibility manager after the profile is activated (page 4, paragraph

63);

Claim 33: Oni discloses a system for managing visibility of GUI components in an

application, comprising:

a. means for interfacing with a user, the means for interfacing including GUI

components (page 4, paragraph 62);

b. means for determining which GUI components are visible (page 4, paragraph

62);

Claim 34: Oni discloses a system for managing visibility of GUI components in an

application as in Claim 33 above, further comprising:

a. means for reading one or more profiles upon initialization of the application (page 4, paragraph 63);

b. means for processing the one or more profiles (page 4, paragraph 63);

c. means for reading and processing a user configuration based on the one or more profiles (page 4, paragraph 62);

d. means for activating a particular profile of the one or more profiles (page 4, paragraph 67).

Claim 35: Oni discloses a system for managing visibility of GUI components in an application as in Claim 34 above, further comprising:

a. means for starting the application (page 3, paragraph 43);

b. means for building the user interface with all of the GUI components visible (page 4, paragraph 62);

c. means for determining which GUI components are visible after the particular profile of the one or more profiles is activated(page 4, paragraph 62);

d. means for displaying the user interface (page 4, paragraph 69).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 7, 15, 23, and 31 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Oni (US 2004/0133546) in view of Moshfeghi (US 6,476,833).

Claims 7, 15, 23, and 31: Oni discloses a method, system, data structure, and medium

embodying instructions as in Claims 5, 12, 21, and 28 above, further comprising the

mapping table comprises a plurality of identifications of GUI components (page 4,

paragraph 67). However, Oni does not explicitly disclose a corresponding plurality of

Java objects. Moshfeghi discloses a similar method, system, data structure, and

medium embodying instructions that further discloses the GUI components of the

application are specified with the Swing component set of the Java Foundation Classes

(Column 15, lines 19-31). Therefore, it would have been obvious to one having ordinary

skill in the art at the time the invention was made that the mapping table could comprise

identifications of references to Java objects. One would have been motivated to include

Java software objects in view of the fact that Java is a widely used programming

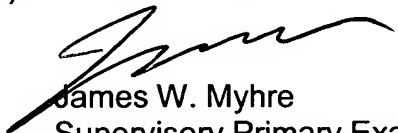language throughout the Internet and World Wide Web (WWW).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Omar Abdul-Ali whose telephone number is 571-270-

1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 7:30 -

5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Myhre can be reached on 571-270-1065. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAA
3/20/2007

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